

# **EXHIBIT 5**

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UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

CIVIL ACTION NO. 2:16-cv-06576

-----x

INDUSTRIA DE ALIMENTOS ZENU S.A.S.,

Plaintiff,

-against-

LATINFOOD U.S. CORP. d/b/a ZENU

PRODUCTS CO. and WILSON ZULUAGA,

Defendant/Counter Plaintiff,

-----x

LATINFOOD U.S. CORP. d/b/a ZENU

PRODUCTS CO.,

Defendant/Counter Plaintiff,

-against-

INDUSTRIA DE ALIMENTOS ZENU S.A.S. and

CORDIALSA, USA, INC.,

Counter Defendants.

-----x

22 April 11, 2019

10:10 a.m.

24 Confidential Deposition of LUIS SALAZAR

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3 CIVIL ACTION NO. 2:16-cv-06576  
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5 INDUSTRIA DE ALIMENTOS ZENU S.A.S.,  
6 Plaintiff,  
7 -against-  
8 LATINFOOD U.S. CORP. d/b/a ZENU  
9 PRODUCTS CO. and WILSON ZULUAGA,  
10 Defendant/Counter Plaintiff,  
11 -----x  
12 LATINFOOD U.S. CORP. d/b/a ZENU  
13 PRODUCTS CO.,  
14 Defendant/Counter Plaintiff,  
15 -against-  
16 INDUSTRIA DE ALIMENTOS ZENU S.A.S. and  
17 CORDIALSA, USA, INC.,  
18 Counter Defendants.  
19 -----x  
20 April 11, 2019  
21 10:10 a.m.  
22 Confidential Deposition of LUIS SALAZAR  
23  
24  
25

L. Salazar

Gloria's report was made on September 11, 2014.

Q. Do you know if there is a report by Marquillas?

A. I know the information that was provided to the attorneys.

Q. Is it accurate to say that then looking at paragraph 64 in the complaint that Industria was unaware of Latinfood's use of the Zenu mark in the US until in or around October 2013 when Marquillas contacted Industria?

A. I am not very clear on what the question is.

MR. INGBER: Could you repeat the question?

(Record read.)

A. I did not know before. I did not know

Q. But Industria knew; is that correct?

MR. RAYMOND: I am sorry.

Industria knew what?

Q. Industria became aware of Latinfood's use of the Zenu mark in the US in October of 2013 when Marquillas contacted Industria to inform them

1                           L. Salazar

2     about Latinfood's activity; is that correct?

3       A.     Within my knowledge that's correct.

4       Q.     So I would like you to look at  
5 paragraph 65 of the complaint now.

6                           Did this investigation by Industria  
7 into Latinfood's business begin in October of 2013  
8 when Marquillas informed Industria of Latinfood's  
9 activity?

10      A.     When Industria became aware of all of  
11 that information it was immediately handled  
12 through the attorneys. I don't remember the exact  
13 date.

14      Q.     Has anyone ever contacted Industria to  
15 ask if Industria is affiliated with Latinfood in  
16 the US?

17      A.     Gloria's complaint was about that.

18      Q.     Is there anybody else beside Gloria?

19      A.     Not that I know of.

20                          MR. INGBER: Five minute break Peter.

21                          MR. RAYMOND: Sure.

22                          (Recess taken.)

23                          MR. INGBER: I would like to put a  
24 caveat on the record that your testimony  
25 today is supposed to be spontaneous. I am

1                   L. Salazar

2                 asking your counsel not to speak to you  
3                 about the line of questions that I am asking  
4                 you today so we can keep your testimony  
5                 spontaneous.

6                 MR. RAYMOND: I don't know what that  
7                 means but obviously I have the right to  
8                 consult with my client as necessary.

9                 MR. INGBER: Well, you don't have a  
10                 right to consult with your client about his  
11                 testimony in the middle of a deposition.

12                 MR. RAYMOND: I certainly do, but  
13                 anyway. Let's move on.

14                 MR. INGBER: If you will say you are  
15                 not going to I will respect your word. That  
16                 will be fine.

17                 MR. RAYMOND: Of course I am not going  
18                 to say I won't consult with my client. I  
19                 will consult with my client when it's about  
20                 whatever I think is appropriate.

21                 MR. INGBER: So you are saying you  
22                 will feel free to consult with your client  
23                 about his answers during the middle of his  
24                 deposition.

25                 MR. RAYMOND: I am not going to say